

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

GREGORY TAPAOAN; MICHAEL)	CIVIL NO. 01-00815 DAE LEK
MARS; PEDRO RIBERIO; JOHN L.)	(Class Action; Injunctions)
LEVAN; FLOYD SANTOS; FLOYD)	
SYLVESTER; LEO TOILOLO;)	Claims Administrator's Memorandum
JOSE BACDAD; and GEORGE)	in Support of <i>Ex-Parte</i> Motion
RABAGO,)	
)	
Plaintiffs,)	
vs.)	
)	
BENJAMIN CAYETANO, et al.,)	
)	
)	
Defendants.)	
_____)	

Claims Administrator's
Memorandum in Support of *Ex-Parte* Motion

Claims Administrator Elbridge W. Smith, has moved *ex-parte* for an Order to allow him to file under seal the unredacted version of his Adjudication Report Exhibit to his Claims Administrator's Settlement Fund Proposed Plan of Allocation and Report to protect the privacy and confidentiality of the claimants' identities, and other personal information, in accordance with the Class Action Claim Form (Exhibit "A"), which provides "that the information given here is private, and will be held in strictest confidence."

The Claims Administrator, pursuant to his duties and responsibilities to locate

potential claimants, sent potential claimants an approved Notice of the Tapaoan v. Cayetano Settlement and a Class Action Claim Form. Claimants then returned the completed Class Action Claim Form to the Claims Administrator for evaluation and possible participation in the Settlement Fund. The Class Action Claim Form provides near the bottom of the reverse side that "The information given here is private, and will be held in strictest confidence." (See Exhibit "A").


The Claims Administrator is to be presently filing the Claims Administrator's Proposed Plan of Allocation and Report (hereinafter "Plan Report"). The Plan Report will contain two versions of the Adjudication Report. The first is to be a Redacted copy of that Adjudication Report from which the claimants' names shall be hidden from public view in order to protect their privacy. Visible will be the claimant number, the number of Over Detention ["OD"] days awarded, whether compensation for an illegal Search was awarded, the total Amount of monetary compensation awarded and any relevant Comments. The second version of the Adjudication Report is a complete unredacted report, also containing each of the claimants' names in addition to all the same information as contained in the Redacted copy of that Report.

In accordance with the Class Action Claim Form, providing that the claimants' information will be kept private and held in strictest confidence (Exhibit "A" hereto), the Claims Administrator requests *ex-parte* that the second unredacted complete

version of this Adjudication Report containing claimants' names be filed under seal with this Court, so that only the redacted version, deleting the claimants' names, will be accessible to the public.

The above facts, establish good cause for an *ex-parte* order to be issued by this Court so providing.

DATED: Honolulu, Hawaii, December 15, 2006.



ELBRIDGE W. SMITH
Claims Administrator